

REMARKS

STATUS OF CLAIMS

Claims 1-14 have been pending.

Claims 1-14 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Michel et al., U.S. Patent No. 5,625,690 (hereinafter "Michel"), in view of Lampson et al., U.S. Patent Application Publication No. 2003/0194094 (hereinafter "Lampson"), and in further view of Chiles et al., U.S. Patent No. 6,167,567 (hereinafter "Chiles").

In accordance with the foregoing, the pending claims remain for reconsideration, which is respectfully requested.

No new matter has been added.

The Examiner's rejections are respectfully traversed.

35 U.S.C. § 103(a) REJECTION:

Independent claims 1-7, 9-11 and 13-14 are allegedly unpatentable over Michel, Lampson and Chiles.

In accordance with the foregoing, claim 1 is amended to recite, in part: "when the license file is not determined to be valid and a user at the terminal device agrees to update the license file, access to the accounting server is carried out based on the registration certification, notification of charging is made to the accounting server and, after the completion of the charging, access to the contents is continued and a new license file received from the accounting server is installed independent from said access to the contents." Support for the claim amendment can be found, for example, at page 8, lines 28-35, and in FIGS. 6 and 8.

The Advisory Action, mailed February 14, 2008, asserts "Chiles discloses a user at the terminal device agree to update the product from the server on to his (her) computer (col. 1, lines 60-63; col. 14, lines 63-67) and a new file is received. Lampson teaches downloading a license 223 to the DRMOS 205 ([0091]). Therefore, the combination of Lampson and Chiles would teach "... a user at the terminal device agrees to update the license file, ... based on the registration certification, ... a new license file received from the accounting server is installed."

Chiles, at column 1, lines 58-63 recites:

One conventional widely-used approach aimed at reducing the cost of maintaining software has been to post software updates on a network server and permit users to access, download and remotely install a desired update(s) from the server onto his(her)

client computer.

In other words, Chiles discusses that users can visit a software providers website and download software updates. Furthermore, Chiles, at column 14, lines 63-67 discusses:

Upon occurrence of a user-configured date for a product update or a user-initiated update for that product, e.g., software product i, application 500 executes. Within this application, execution first proceeds to block 503 which reads a URL for an FTP update site for this product and then attempts to establish an FTP connection to this site.

In other words, Chiles discusses that a user can set a date or can manually launch a web browser to connects to a software providers FTP update site to download an update for a product.

Furthermore, Lampson, at paragraph [0091], lines 1-4 recites:

If the trust relationship is established, the provider downloads 6 the content 221, an access predicate 222, and a "license" 223 to the DRMOS 205 on the subscriber computer 200.

In other words, Lampson discusses downloading a license 223 to DRMOS 205 on a subscribers computer but is silent or of license updating.

Further, Michel, at the abstract, lines 1-9, recites:

A pay per use system for of the unauthorized use of computer software. An encryption program encodes original software to produce secured software. The encoding is accomplished by using cryptographic techniques. In order to use the software, a user must call a telephone number to receive the cryptographic keys necessary to decrypt the secured software. Thus, users must pay for each use of the secured software.

In other words, Michel discusses that a user must call a telephone number and pay to receive cryptographic keys necessary to decrypt the secured software to allow the software to be executed each time the user wishes to execute the software.

The embodiment provides determining whether a license update is needed "independent from said access to the contents."

Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness cannot be based upon Michel, Lampson and Chiles, because there is no evidence that one skilled in the art would combine Michel's telephone pay per use system, with Lampson's discussion of downloading a license and Chiles software updating, and modify the combination to include the claimed "when the license file is not determined to be valid and a user at the terminal device agrees to update the license file, access to the accounting server is carried out

based on the registration certification, notification of charging is made to the accounting server and, after the completion of the charging, access to the contents is continued and a new license file received from the accounting server is installed independent from said access to the contents” and seen the benefit of, for example, having a system to monitor the validity of a license having the ability to install a new license when the old license is invalid independent of the specific contents (e.g., a monitor monitoring a license independent from any specific program).

Applicants respectfully submit that independent claims 2-7, 9-11 and 13-14 patentably distinguish over the cited references for similar reasons as independent claim 1.

Dependent claims are patentably distinguishing at least due to their dependence from the independent claims and/or for reciting patentably distinguishing features of their own. Withdrawal of the rejection of the pending claims and allowance of the pending claims is respectfully requested.

NEW CLAIM

New claim 15 is related to an apparatus, including:

- a computer readable medium storing an executable program and a license controlling access to said executable program; and
- a controller executing license monitoring operations independent of said executable program, comprising:
 - registering a user and said executable program with an accounting server,
 - confirming if said license is valid when said user executes said executable program,
 - when said license is valid, accessing to the executable program is continued without accessing the accounting server, and
 - when said license file is invalid, determining if said user agrees to update said license file, accessing said accounting server and charging said user for a new license based upon said registration, and installing a new license file received from said accounting server in said storage.

Accordingly, Applicants respectfully submit that claim 15 patentably distinguishes over the cited references. Support for the new claim can be found, for example, in the specification at page 8, line 21 to page 13, line 30 and in FIGS. 6 and 8.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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